

**REMARKS**

Claims 9-26 are pending in this application. By this Amendment, claims 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24 and 26 are amended to more particularly recite the subject matter of the present invention, and new claims 27-32 are added. No new matter is added.

Reconsideration of this application is respectfully requested in view of the foregoing amendments and following remarks.

Claims 9-32 are presented for examination.

In the Final Office Action mailed April 26, 2004, claims 9-14 and 21-26 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In making this rejection, the Office Action asserts that claims 9-14 and 21-26 are directed to stored information on a recording medium, and that the stored information does not provide any functional interrelationship between the information and the medium used to control accessing the information from the medium, or to cause software and hardware components to provide certain functions. Claims 9, 12, 21 and 24 have been amended to clearly recite the function of the identifying information, which is to prevent erasing or editing of a corresponding recording unit. Thus, claims 9, 12, 21 and 24, and claims 10, 11, 13, 14, 22, 23, 25 and 26, each of which depends from one of claims 9, 12, 21 and 24, are believed to be statutory, and withdrawal of the rejection is respectfully requested.

Claims 9-26 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 9, 11, 12, 14, 15, 17, 18, 20, 21, 23,

24 and 26 have been amended responsive to this rejection. If any additional amendment is necessary to overcome this rejection, the Examiner is requested to contact the Applicant's undersigned representative.

**Claims 9-10, 12-13, 15-16, 18-19, 21-22 And 24-25 Recite Patentable Subject Matter**

Claims 9-10, 12-13, 15-16, 18-19, 21-22 and 24-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,966,495 to Takahashi et al. (hereinafter, "Takahashi"). It is noted that claims 9, 12, 15, 18, 21 and 24 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

In the claimed invention, second identifying information corresponds to each of one or more third recording units and prevents erasing or editing of a corresponding third recording unit.

It is respectfully submitted that Takahashi neither discloses nor suggests a second identifying information area having second identifying information corresponding to each of one or more third recording units and prevents erasing or editing of a corresponding third recording unit. Rather, Takahashi discloses one identifying information, i.e., a deleted flag, related to each data block, where the identifying information is stored in each ID block of an ID table. The deleted flag of Takahashi is set to either a "0," indicating that the corresponding data block can be erased, or a "1," indicating that the corresponding data block is in a logically erased state and may be recorded over. However, there is no identifying information that prevents erasing or editing of data in Takahashi.

Thus, claims 9-10, 12-13, 15-16, 18-19, 21-22 and 24-25 are believed to be patentably distinct over Takahashi, and withdrawal of this rejection is respectfully requested.

**Claims 9-26 Recite Patentable Subject Matter**

Claims 9-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,577,811 to Kikuchi et al. (hereinafter, "Kikuchi"). It is noted that claims 9, 12, 15, 18, 21 and 24 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

In the claimed invention, first identifying information corresponds to each of one or more second recording units and prevents erasing or editing of a corresponding second recording unit and second identifying information corresponds to each of one or more third recording units and prevents erasing or editing of a corresponding third recording unit.

It is respectfully submitted that Kikuchi neither discloses nor suggests a second identifying information area having second identifying information corresponding to each of one or more third recording units, wherein the second identifying information prevents erasing or editing of a corresponding third recording unit. Rather, Kikuchi discloses only one logical editing identifying information, which is a 1-byte erase prohibition flag field that when set to "0" allows corresponding data at a relative byte position (RBP) to be erased, and when set to "1" indicates the corresponding data is erase-prohibited. The erase prohibition flag can be set by the user and is stored in a cell playback information C\_PBI management unit. Kikuchi fails to disclose a flag corresponding to a higher

recording unit, and discloses that “the characteristic feature” of the invention thereof is the erase prohibition flag field that is stored in a cell management table. See *U.S. Patent No. 6,577,811 at col. 76, lines 9-13*.

Thus, claims 9-26 are believed to be patentably distinct over Kikuchi, and withdrawal of this rejection is respectfully requested.

**New Claims 27-32 Recite Patentable Subject Matter**

New claims 27-29 include, among others, a feature wherein second identifying information is recorded on the recording medium, the second identifying information being related to each of the third recording units and including a second data protect flag that prevents erasing or editing of a corresponding third recording unit.

As explained above, neither Takahashi nor Kikuchi discloses or suggests second identifying information that is related to each of third recording units, and that includes a second data protect flag that prevents erasing or editing of a corresponding third recording unit. Thus, new claims 27-29 are believed to be patentably distinct over the applied art of record and in condition for allowance.

New claims 30-32 include, among others, a feature wherein second identifying information is recorded on the recording medium, the second identifying information being related to each of the second recording units, wherein the second identifying information includes a second data protect flag that prevents erasing or editing of a corresponding second recording unit.

As explained above, neither Takahashi nor Kikuchi discloses or suggests second identifying information that is related to each of second recording units, wherein the second identifying information includes a second data protect flag that prevents erasing

or editing of a corresponding third recording unit. Thus, new claims 30-32 are believed to be patentably distinct over the applied art of record and in condition for allowance.

Accordingly, an early and favorable action on new claims 27-32 is respectfully requested.

### **CONCLUSION**

For all of the above reasons, it is respectfully submitted that claims 9-32 are patentably distinct over the cited references and in condition for allowance. Accordingly, favorable reconsideration and withdrawal of the outstanding objections and rejections, allowance of claims 9-32, and a Notice of Allowability are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is requested to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referencing docket number **107156-09069**.

Respectfully submitted,

**ARENT FOX, PLLC**

A handwritten signature in black ink, appearing to read "Michele L. Connell". The signature is fluid and cursive, with the first name "Michele" and last name "Connell" clearly distinguishable.

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